BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL :

BENCH RAIPUR.(CHHATTISGARH)

O.A. No._____/2001. (CGAT/S) 354/01

Applicants - 1. Amroo Ram Dhru, age 49 years,
S/o Chait Ram Dhru,
Assistant Teacher, Govt.Primary School,
Village - Jhariya, Divn. Simga,
Distt. Raipur

2. Bhagwati Prasad Dhru, age 46 years,
S/o Bhaktu Prasad Dhru
Asstt.Teacher, Govt.Primary School,
Vill. AMAKONY, Post - MOPAR
Thana-SUHELA, Tah. Simga,
Distt. Raipur.

3. Pawan Kumar Mahalange, age 36 years,
S/o Mewadas Mahalange
Asstt.Teacher, Govt.Primary School,
Tiwaraiya, village - Temari, Post-Ranka,
Tah. Bemetara, Distt. Durg.

4. Dilu Ram Sahu, age 31 years,
S/o Doman Singh Sahu,
Asstt. Teacher, Primary School, Saiha
Divn. Palari, Distt. Raipur.

5. Narayan Ram Verma, age 40 years,
S/o Ram Singh Verma, Asstt. Teacher
Primary School GUMA, Divn. Palari,
Distt. Raipur.

6. Lakhanlal Verma, age 40 years,
S/o Deonath Verma, Asstt. Teacher
Primary School, Parsadih, Divn.Palari,
Distt. Raipur.

7. Narayan Prasad Mirjha, age 39 years,
S/o Itwari Ram Mirjha,
Asstt.Teacher, Primary School Mandarkaba,
Divn.Simga,Gram.PO Simga,
Kankapara,Divn.Simga, Distt.Raipur.

Slip

for Kadel 8-2-2001
P.L. Sharma
Government Advocate,
(M.P. Administrative Tribunal)
RAIPUR-492001.

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8. Balram Dande, age 41 years,
S/o Lachhan Dande, Asstt.Teacher,
Primary School, Chanderi,
Post Simga, Distt.Raipur

9. Smt. Veena Upadhyay, aged 36 years,
S/o Indu Bhushan Sharma, Asstt.Teacher,
Primary School, Kathiya, Divn. Berla,
Tah. Bemetara, Distt. Durg.

10. Vinod Kumar Sahu, age 35 years,
S/o Janak Ram Sahu, Asstt. Teacher,
Village - Kirwai, Post - Damakheda,
Tah. Simga, Distt. Raipur.

11. Birsingh Verma, age 38 years,
S/o Bodhi Ram Verma, Asstt. Teacher,
Govt. Primary School, Amlidih,
Divn. Palari, Distt. Raipur.

12. Sonsay Verma, age 29 years,
S/o Bisauha Ram Sahu, Asstt.Teacher,
Govt.Primary School, Jethani
Res.Via - Deorani, Post Maldi,
Tah. Thana Bhatapara, Distt.Raipur.

13. Chowa Ram Dhru, age 37 years,
S/o Narottam Prasad Dhru, Asstt.Teacher
Govt.Primary School, Fardaha,
Res. Vill. Keshali, Post-Bhaisa(Newara)
Tah. Simga, Distt. Raipur.

14. Keshao Prasad Sahu, age 26 years,
S/o Late Tulsi Ram Sahu, Asstt.Teacher,
Primary School, Kusmi,

15. Kumar Prasad Sahu, age 34 years,
S/o Ram Singh Sahu, Asstt.Teacher,
Primary School, Nawapara,
Res.vill.PO-Bhaisa, Thana Newara
Tah. Simga, Distt.Raipur.

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16. Bed Ram Verma, age 38 years,
S/o Bhagirathi Verma, Asstt.Teacher,
Primary School, Bhaisa,
Res.Vill. Jhipan, Post-Rawan,
Tah. Simga, Distt.Raipur.

17. Ram Kumar Dewangan, Age 35 years,
S/o Jiwarakhan Lal, Asstt. Teacher,
Govt.Primary School, Temari,
Divn. Berla, Tah.Bemetara, Distt.Durg

18. Laxmichand Verma, age 32 years,
S/o Salik Ram Verma, Asstt.Teacher
Govt.Primary School 'Jethani'
Resi - Village Deorani,
Post - Maldi,
Tah. & Thana - Bhatapara,
Distt.Raipur.

19. Mohanlal S/o Gajraj Singh,
Head Master, Primary School,
Chuchrungpur..
Distt. Raipur.

Attested
Sd/-
A.R(J)

VERSUS.

...n-Applicants :

1. The State Govt.of Chhattisgarh through the Secretary School Education Secretariate Building (Old D.K.Hospital, Raipur).

2. The Director of Public Instructions Now Commissioner, (School Education), Raipur.

3. The District Education Officer, Raipur.

4. The District Education Officer, DURG.

Amended as per order dated 18/15 Act, 01
19/10/01

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APPLICATION U/S 19 OF THE M.P. ADMINISTRATIVE TRIBUNAL ACT 1985.

(26)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 5880 of 2006

Petitioner : Ram Kumar Kosariya
Versus
Respondents : State of Chhattisgarh & others

W. P. (s) No. 5879 of 2006

Petitioner : Hira Ram Sahu
Versus
Respondents : State of Chhattisgarh & others

W. P. (s) No. 3547 of 2005

Petitioners : Amroo Ram Dhru & others
Versus
Respondents : The State Govt. of Chhattisgarh & others

W. P. (s) No. 4280 of 2005

Petitioner : Bhagwani Ram Devangan
Versus
Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Ajay Shrivastava, *Advocate for the Petitioner.*

Shri V. V. S. Moorthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the State/respondents.

ORDER

(Passed on this 12th day of December, 2006)

1. The petitioners are working as Assistant Teachers in the government schools. In the course of their services as Assistant Teachers, the petitioners have obtained D.Ed. certificates on their own expenses before 1.3.1999.

2. Learned counsel for the petitioners submits that the 'Basic Training Institute' (B.T.I.) certificate has been renamed by the order of the State Government as 'Diploma in Education' (D.Ed.) certificate. The petitioners, who have obtained D.Ed. certificate prior to 1.3.1999 are entitled to the same relief as is granted to the candidates who had obtained B.T.I./B.Ed. certificates on their

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own expenses as per the circulars dated 24.12.1998 and 1.3.1999.

3. Learned Deputy Advocate General, appearing for the respondents/State, produced a copy of the memo dated 12.12.2006 issued by the Director, Public Instructions, Chhattisgarh, notice dated 28.1.1995 issued by the Secretary, Board of Secondary Education, Bhopal, and the prospectus of Diploma in Education Examination and submits that the nomenclature of the Basic Training Institute i.e. B.T.I. has been renamed as Diploma in Education i.e. D.Ed. Learned Deputy Advocate General also produced a copy of the circular dated 24.12.1998, issued by the School Education Department, Government of Madhya Pradesh, Bhopal, allowing two increments to the teachers who have obtained B.Ed., M.Ed.,B.T.I. examination certificates. The documents are taken on record in W. P. No. 5862/2006.

4. Writ Petition (s) No.s 5880/2006, 5879/2006, 3547/2005 & 4280/2005 are being disposed of by this order as the facts and question of law involved in both the petitions are common.

5. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Certificate on their own expenses, are covered by the circular dated 24.12.98 (Annexure P/7) issued by the State Government of Madhya Pradesh.

6. Further in the matter of Smt. Manorama Shrivastava Vs. State of M.P. and others { 2000 (1) M.P.L.S.R. 136 } the Madhya Pradesh State Administrative Tribunal, Gwalior Bench, while considering the circular dated 1.3.1999 wherein, it is provided that the Assistant Teachers, who have acquired B.Ed. degree at their own cost between 23.10.1964 and 7.5.1973 shall be entitled to two advance increments, relied on decision in the case of Rakesh Kumar Shrivastava Vs. State of M.P. & others passed in O.A.No. 1632/99, decided on 12.10.1999 wherein it is observed that the

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circular dated 1.3.1999 cannot be made applicable retrospectively. Thus, a teacher, may be Assistant Teacher, who has obtained B.Ed. degree before 1.3.1999 is entitled to two advance increments.

7. It is pointed out by learned counsel appearing for the petitioners that the then State of Madhya Pradesh had filed a Special Leave Petition against the orders passed by the Tribunal and the Hon'ble Supreme Court dismissed Special Leave Petition No. 1999/2000 filed against the order of the Tribunal. Therefore, the direction to the effect that the circular dated 1.3.1999 cannot be made applicable retrospectively, passed by the Tribunal, becomes final and the same shall be applicable to all the Assistant Teachers who have obtained B.Ed./B.T.I. certificate before 1.3.1999. It is further substantiated by a circular dated 17.10.2003 issued by the present State of Madhya Pradesh wherein the circular clearly states about the decision of the Supreme Court.

8. Learned counsel for the petitioners further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

9. Accordingly, in the event D.Ed. certificate holders are equal to B.T.I./B.Ed. certificate holders, they are entitled to the same relief in terms of the orders passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired D.Ed. Certificate on their own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether they have been paid two advance increments or not. No order as to costs.

10. A copy of this order be placed on record in connected matter.

Sd/-
Satish K. Agnihotri
Judge

Thakur